

1 BILL NO. S-87-06-10

2 SPECIAL ORDINANCE NO. S-159-87

3 AN ORDINANCE approving the Contract
4 for Res. 6092-87 - Euclid Avenue
5 NIP Bond Issue Phase I, between
6 Tomco Construction Company, Inc.,
and the City of Fort Wayne, Indiana,
in connection with the Board of
Public Works and Safety.

7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
8 OF THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. That the Contract for Res. 6092-87 - Euclid
10 Avenue NIP Bond Issue Phase I, by and between Tomco Construction
11 Company, Inc., and the City of Fort Wayne, Indiana, in connection
12 with the Board of Public Works and Safety, for:

13 improvement of the following:
14 Euclid Avenue from the south curb
15 line of Colerick Street to the
north curb line of Oxford Street
16 by replacing sidewalks, yardwalks
and drive approaches;

17 the Contract price is Forty-Two Thousand Eight Hundred Seventy-
18 Three and 50/100 Dollars (\$42,873.50), all as more particularly
19 set forth in said Contract, which is on file in the Office of
20 the Board of Public Works and Safety and, is by reference incorporate
21 herein, made a part hereof, and is hereby in all things ratified,
22 confirmed and approved. Two (2) copies of said Contract are
23 on file with the Office of the City Clerk and made available
24 for public inspection, according to law.

25 SECTION 2. That this Ordinance shall be in full force
26 and effect from and after its passage and any and all necessary
27 approval by the Mayor.

28
29 APPROVED AS TO FORM
30 AND LEGALITY
31

Samuel J. Talarico
32 Councilmember

Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Talarico,
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Public Works (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on 19, the 19 day of June, at 10 o'clock A.M., E.

DATE: 6-9-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico,
seconded by Gill, and duly adopted, placed on its
passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>—</u>	<u>—</u>	<u>1</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>HENRY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>REDD</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 6-23-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. S-159-87
on the 23rd day of June, 1987,

ATTEST:

(SEAL)

Mark E. GiaQuinta
PRESIDING OFFICER

SANDRA E. KENNEDY, CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 24th day of June, 1987,
at the hour of 11:00 o'clock A .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of June,
1987, at the hour of 9:00 o'clock A .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

TITLE OF ORDINANCE Contract for Res. 6092-87 - Euclid Ave. NIP Bond Issue, Phase I, Sidewalks, Yardwalks & Drive Approaches
DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety

SYNOPSIS OR ORDINANCE The Contract for Res. 6092-87 - Euclid Ave.,

NIP Bond Issue Phase I is deemed necessary to improve the following: Euclid Avenue from the south curb line of Colerick Street to the north curb line of Oxford Street by replacing sidewalks, yardwalks and drive approaches. Tomco Construction Company, Inc. is the contractor.

J-87-06-10

EFFECT OF PASSAGE Improved walks, yardwalks & drive approaches at above location.

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$42,873.50

ASSIGNED TO COMMITTEE

Normal & Prior Approval Introduction

This form is to be completed for any project requiring Board of Works justification at City Council. This complete form is to be in the Board's office no later than 2:00 p.m. on the Tuesday of introduction.

Resolution/Ord. No. 6091-87 Description DREXEL AVENUE
From Anthony to Alexander

Awarded to: TOMCO Construction Amount \$ 25,569.60

Was/was not lowest and most responsible of 5 bidders. ^{Eng 30,690} If not lowest, who was and why were they not awarded:

Description of project: (Be specific and quantify)

For the purpose of constructing new (partial) curbs, wingwalks, and alley approaches as needed.

If replacement - what necessitates: Existing deteriorated condition

Will benefit 17 residential 1 commercial properties

Source of request Neighborhood Association *Port Huron*

Source of funding NIP Bond Issue Phase I

City share% 100 \$ 25,569.60 Prop owner% 0 \$ 0

What are the implications if not approved:

If prior approval is being requested, justify the need:

Prepared by Kevin Okleshen Date 6/1/87
(Attach comment sheet if necessary)

IMPROVEMENT RESOLUTIONNO. 6092-87NIP BOND ISSUE PHASE I

RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, INDIANA,

That it is deemed necessary to improve:

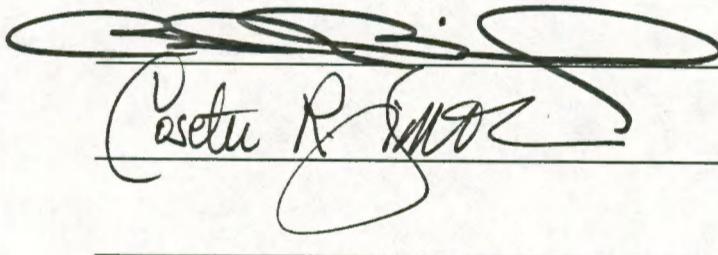
Euclid Avenue from the south curb line of Colerick Street to the north curb line of Oxford Street by replacing sidewalks, yard-walks and drive approaches.

All in accordance with the specifications on file in the office of the Department of Public Works and Safety of said City; and such improvement is now ordered.

It is hereby found by said Board of Public Works and Safety that all benefits accruing hereunder will be to the general public of the City of Fort Wayne and that no special benefits will accrue to any property owner adjoining said improvement or otherwise assessable under said improvement. The cost of said improvement shall be paid 100% by the City of Fort Wayne.

Adopted, this 6th day of May, 19⁸⁷.

BOARD OF PUBLIC WORKS & SAFETY



ATTEST: Helen D. Gachenson
Secretary and Clerk

BID TAB		DATE: 5-27-87		BIDDER:		BIDDER:		BIDDER:		BIDDER:			
PROJ: EUCLID AVE. FROM COLERICK TO OXFORD		REG. NO: 6092-87		TOMCO CONST. CO.		REITH-RILEY CONST. CO.		HIPSICO CONCRETE		SPEARS-DEHNER CONST. CO.			
ITEM NO.	ITEM	QUANTITY	UNIT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT		
1.	Curb Removal	140	LF.	2.50	350.00	3.00	420.00	4.00	560.00	2.24	313.60	4.00	560.00
2.	New Curb Type III	120	LF.	10.00	1200.00	15.00	1800.00	15.00	1800.00	9.46	1135.20	12.00	1440.00
3.	Concrete Removal	1685	SY.	3.50	5997.50	3.10	5223.50	3.75	6318.75	3.36	5661.60	4.00	5740.00
4.	Private Drive Approaches 6"	280	SY.	22.00	6160.00	21.00	5880.00	19.50	5460.00	22.40	6272.00	30.80	8624.00
5.	Conc. Sidewalk & Yardwalk 4"	12025	S.F.	2.50	30062.50	2.00	24050.00	2.00	24050.00	2.24	26736.00	2.30	27657.50
6.	Concrete Wingwalks & Ramps 6"	500	S.F.	3.00	1500.00	2.40	1200.00	2.30	1150.00	2.52	1260.00	2.50	1300.00
7.	Catch Basin Type I-C	1	EA	1500.00	1500.00	1500.00	1500.00	1400.00	1400.00	1680.00	1680.00	1120.00	1120.00
8.	Structures Adjust to Grade	2	EA	225.00	450.00	50.00	100.00	170.00	340.00	112.00	224.00	5.00	10.00
9.	Asphalt Patching	150	LF.	1.00	150.00	0.20	70.00	1.00	100.00	0.56	85.00	0.26	87.50
10.	Backfill Behind Curb	6	TON	6.00	36.00	20.00	120.00	12.00	72.00	5.64	51.84	1.40	8.40
11.	Top Soil	80	TON	8.00	640.00	7.00	560.00	12.00	960.00	5.16	416.00	1.00	80.00
12.	Fine Grade, Seed & Mulch	1250	SY.	2.25	2812.50	1.00	1250.00	1.00	1250.00	1.12	1400.00	3.10	3875.00
13.	Briangular Fill Under Walks	140	TON	5.00	700.00	5.00	700.00	5.00	700.00	11.20	1568.00	8.40	1176.00
					0.00								
					TOTAL: \$51,658.50	TOTAL: \$42,873.50	TOTAL: \$44,410.75	TOTAL: \$47,128.00	TOTAL: \$52,678.40				
					% over 1% under	0.00% 17.01% under	0.00% 14.03% under	0.00% 11.20% under	0.00% 8.77% under				1.94% 0.00%

NOTICE OF AWARD

TO: TOMCO CONST. CO.
1034 Oakland St.
Ft. Wayne, IN 46808

PROJECT DESCRIPTION Res. 6092-87 - NIP Bond Issue Phase I
Euclid Ave. from Colerick to Oxford

The OWNER has considered the BID submitted by you for the above-described WORK, in response to its advertisement for bids dated _____

You are hereby notified that your BID has been accepted for items in the amount of \$ 42,873.50.

You are required to furnish Contractor's Performance and Guaranty Bond, Payment Bond and Certificate of Insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said bonds within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 3rd day of June, 1987.

CITY OF FORT WAYNE, MAYOR

OWNER
City of Fort Wayne

By

Title

Robert R. Gindz

J.D. Conard

COMPLIANCE _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD
is hereby acknowledged by

Title _____

B I D

CONTRACTOR: TOMCO CONSTRUCTION CO., INC.

PROJ: EUCLID AVE. FROM COLERICK TO OXFORD

RES. NO: 6092-87

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT COST (\$)	AMOUNT (\$)
1.	Curb Removal	140	L.F.	3.00	420.00
2.	New Curb Type III	120	L.F.	15.00	1800.00
3.	Concrete Removal	1685	S.Y.	3.10	5223.50
4.	Private Drive Approaches 6"	280	S.Y.	21.00	5880.00
5.	Conc. Sidewalk & Yardwalk 4"	12025	S.F.	2.00	24,050.00
6.	Concrete Wingwalks & Ramps 6"	500	S.F.	2.40	1200.00
7.	Catch Basin Type I-C	1	EA	1500.00	1500.00
8.	Structures Adjust to Grade	2	EA	50.00	100.00
9.	Asphalt Patching	350	L.F.	0.20	70.00
10.	Backfill Behind Curbs	6	TON	20.00	120.00
11.	Top Soil	80	TON	7.00	560.00
12.	Fine Grade, Seed & Mulch	1250	S.Y.	1.00	1250.00
13.	Granular Fill Under Walks	140	TON	5.00	700.00

TOTAL:

~~42,873.50~~

SHEET 1 OF 1

Note: Contractor will be paid on measured quantities only at unit price bid

In submitting this bid, it is understood, that the right is reserved by the Owner to reject any and all bids, and to waive any defect in any bid.

IN WITNESS WHEREOF, the bidder (a firm) by its owner(s) named below, hereunto set hand(s) and seal this day of 19 .

FIRM NAME: _____

BY: _____

ADDRESS: _____

TELEPHONE: _____

IN TESTIMONY WHEREOF, the bidder (a corporation) has caused this proposal to be signed by its President and Secretary, and, affixed its corporate seal this 27 day of MAY, 1987.

ICMCO CONSTRUCTION CO., INC.

NAME OF CORPORATION

BY: _____

PRESIDENT THOMAS M. FISHERING

ADDRESS: 1034 OAKLAND ST.

FT. WAYNE IN. 46808

TELEPHONE: 424-1280

ATTEST:

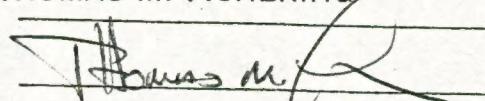
Tom Newell

NON-COLLUSION AFFIDAVIT

The Bidder, by its Officers and

agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or, has given or is to give such bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the Contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person, whomsoever to influence the acceptance of the said bid or awarding of the Contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the Contract sought by this bid.

THOMAS M. FISHERING



Subscribed and sworn to before me by THOMAS M. FISHERING

this 27 day of MAY, 1987.

My Commission Expires:

4-21-90

DAVID M. NEWELL

NOTARY PUBLIC
Resident of WILL County, IN

Subscribed and sworn to before me by _____

this _____ of _____, 19 ____.

My Commission Expires:

NOTARY PUBLIC
Resident of _____ County, IN

Subscribed and sworn to before me by _____

this _____ day of _____, 19 ____.

My Commission Expires:

NOTARY PUBLIC
Resident of _____ County, IN

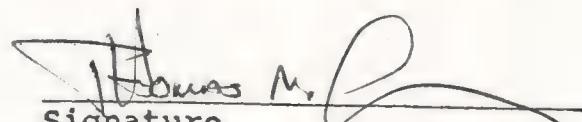
CERTIFICATE IN LIEU OF FINANCIAL STATEMENT

I, THOMAS M. FISHERING, the
Name PRESIDENT, the TOMCO CONSTRUCTION CO., INC.
Position Company

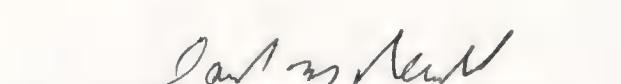
HEREBY CERTIFY:

1. That the Financial Statement of said Company, dated the 21 day of MAY, 19 87, now on file in the office of the Board of Public Works & Safety of the City of Fort Wayne, Indiana, which Financial Statement is by reference incorporated herein and made a part hereof, is a true and correct statement, and, accurately reflects the financial condition of said Company, as of the date hereof; and,
2. That I am familiar with the books of said Company, showing its financial condition and am authorized to make this Certificate on its behalf.

DATED 5-27-87


Signature
THOMAS M. FISHERING PRESIDENT
Title

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for said County and State, this 27 day of MAY, 19 87.


NOTARY PUBLIC
Resident of Will- county, IN

My Commission Expires:

4-21-90

MBE/WBE COMMITMENT FORM

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

A. _____ The undersigned firm certifies that it is an MBE/WBE Contractor (cross out inapplicable provision).
For MBE specify percentage of minority ownership ____%.
For WBE specify percentage of women ownership ____%.
B. _____ The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm (cross out inapplicable provision) is a joint venture partner.
The MBE/WBE firm (cross out inapplicable provision), shall have ____% participation (employees) ____% participation (costs) in this project.
Specify the percentage of minority/women ownership in the MBE/WBE firm ____%. (Cross out inapplicable provision.)
C. _____ The undersigned commits 7% of the total bid price as a subcontract to minority business enterprise participation. The MBE firms, which are proposed as subcontractors, are the following:

NAME OF FIRM	ADDRESS	TYPE OF WORK
1. Metropolitan		CATCH DRAIN Restoration
2.		
3.		

D. _____ The undersigned commits 2% of the total bid price as a subcontract to women business enterprise participation. The WBE firms, which are proposed as subcontractors are the following:

NAME OF FIRM	ADDRESS	TYPE OF WORK
1. STATEwide		HAULING
2.		
3.		

E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: _____

2. We have taken the following steps in an attempt to comply with these participation goals: _____

(Attach additional sheets as necessary.)

Contractor TOMCO CONSTRUCTION CO., INC.

By Thomas M. Fisher

Its THOMAS M. FISHERING PRESIDENT

Contractor _____

By _____

Its

"MINORITY/FEMALE HOURLY UTILIZATION"

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO MINORITY/FEMALE HOURLY UTILIZATION.

A. The undersigned firm certifies that it will employ and utilize minorities and females and/or will ensure that its subcontractors employ and utilize minorities and females, so that minorities and females will work at least 17% of the total hours worked on this project. T. M. F.

B. Complete (1) and (2) below if the hourly utilization figure set forth in "A" is less than 17%.

1. My Company and its subcontractors cannot meet the 17% minimum hourly utilization figure for the following reasons:

2. My Company has taken the following steps in an attempt to comply with the 17% hourly utilization figure:

(Attach additional sheets, if necessary.)

CONTRACTOR: TOMCO CONSTRUCTION CO., INC.

By: Thomas M. F.

Its: THOMAS M. FISHERING PRESIDENT

It is the policy of

TOMCO CONSTRUCTION CO., INC.

that

(Company)

equal employment opportunity be afforded to all qualified persons without regard to race, religion, color, sex, or national origin.

In support of this policy

~~TOMCO CONSTRUCTION CO., INC.~~

will not

discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin.

The ~~TOMCO CONSTRUCTION CO., INC.~~ will take affirmative action

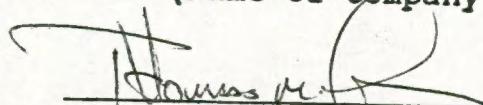
(Company)

to insure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, sex, or national origin. Such action will include but not be limited to:

RECRUITMENT, ADVERTISING OR SOLICITATION FOR EMPLOYMENT, HIRING, PLACEMENT, UPGRADING, TRANSFER OR DEMOTION, SELECTION FOR TRAINING INCLUDING APPRENTICESHIP, RATES OF PAY OR OTHER FORMS OF COMPENSATION, LAYOFFS OR TERMINATION.

TOMCO CONSTRUCTION CO., INC.

(Name of Company)



(Signature of Company Official)
THOMAS M. FISHERING

5-27-87

(Date)

STREET BARRICADE MAINTENANCE INFORMATION

Listed below are the names and telephone numbers of the persons responsible for the maintenance of the barricades necessary for the duration of this contract.

<u>NAME</u>	<u>TELEPHONE NUMBER</u>
THOMAS M. FISHERING	493-1177
GARY MINEAR	749-8177

TOMCO CONSTRUCTION CO., INC.

Contractor

Resolution No. 6092-87



BID BOND

Approved by The American Institute of Architects,
A.I.A. Document No. A-310 (Feb. 1970 Edition)

KNOW ALL MEN BY THESE PRESENTS,

That we TOMCO CONSTRUCTION COMPANY, INC. _____ as Principal, hereinafter called the Principal,
and THE CONTINENTAL INSURANCE COMPANY _____ of New York
a corporation duly organized under the laws of the State of New Hampshire _____, as Surety, hereinafter called the Surety, are held
and firmly bound unto City of Fort Wayne, Board of Public Works and Safety _____
in the sum of _____, as Obligee, hereinafter called the Obligee,
Five Per Cent (5%) of Maximum Bid _____ Dollars
(\$-----), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Res. 6092-87; Euclid Ave. _____

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 27th day of May A. D. 1987

Carol J. Munka
(Witness)

TOMCO CONSTRUCTION COMPANY, INC. _____ (Seal)
BY: Thomas M. P. PRES.
(Principal)
(Title)

YASTE, ZENT & RYE AGENCY, INC.

THE CONTINENTAL INSURANCE COMPANY

(Seal)

Carol J. Munka
(Witness)

John J. Pekal
Attorney-in-Fact (Title)

BILL NO. S-87-06-10

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) approving the Contract
for Res. 6092-87 - Euclid Avenue NIP Bond Issue Phase I, between
Tomco Construction Company, Inc., and the City of Fort Wayne,
Indiana, in connection with the Board of Public Works and Safety

HAVE HAD SAID (ORDINANCE), (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

Samuel J. Talarico

SAMUEL J. TALARICO
CHAIRMAN

JG

JANET G. BRADBURY
VICE CHAIRPERSON

Paul M. Burns

PAUL M. BURNS

JSS

JAMES S. STIER

Charles B. Redd

CHARLES B. REDD

CONCURRED IN

6-23-87

SANDRA E. KENNEDY
CITY CLERK